

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JAVELEN LEE WOLFE,

Petitioner,

vs.

WARDEN, ROSS CORRECTIONAL
INSTITUTION,

Respondent.

:

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Case No. 3:09cv442

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JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC. #3); PETITIONER'S OBJECTIONS TO SAID JUDICIAL FILING (DOC. #4) OVERRULED; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER, DISMISSING PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS, WITH PREJUDICE, AS TIME BARRED; ANTICIPATED MOTION FOR LEAVE TO APPEAL *IN FORMA PAUPERIS* DENIED; CERTIFICATE OF APPEALABILITY DENIED; TERMINATION ENTRY

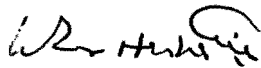
Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge, in her Report and Recommendations filed December 1, 2009 (Doc. #3), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations are adopted in their entirety. The Petitioner's Objections to said judicial filing (Doc. #4) are overruled. Judgment will be ordered entered in favor of the Respondent and against Petitioner herein, dismissing the Petition for Writ of Habeas Corpus, with prejudice, as time barred.

Given that the Petitioner has failed to make a substantial showing of the denial of a constitutional right and, further, given that the Court's decision herein would not be debatable among jurists of reason, and, finally, given that any appeal from this Court's decision would be objectively frivolous, this Court denies Petitioner a certificate of appealability and leave to appeal *in forma pauperis*.

Judgment will be entered accordingly.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

February 16, 2010



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

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